

WRIGHT, FINLAY & ZAK, LLP
Christina V. Miller, Esq.
Nevada Bar No. 12448
Ramir M. Hernandez, Esq.
Nevada Bar No. 13146
7785 W. Sahara Ave., Suite 200
Las Vegas, Nevada 89117
(702) 475-7964; Fax: (702) 946-13
cmiller@wrightlegal.net

Attorneys for Defendant Western Progressive-Nevada, Inc. and Citibank, N.A., as Trustee of the American Home Mortgage Investment Trust 2004-3, Mortgage Backed Notes, Series 2004-3

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DIEGO M. GALIETTI, an individual,
Plaintiff,

vs.

WESTERN PROGRESSIVE-NEVADA, INC.,
a Delaware Corporation; CITIBANK, N.A., as
Trustee of the American Home Mortgage
Investment Trust 2004-3, Mortgage Backed
Notes, Series 2004-3; and DOES I THROUGH
X inclusive; and ROE CORPORATION XX
through XXX, inclusive,

Defendants.

Case No.: 2:21-cv-2034-APG BNW

**STIPULATION TO EXTEND
DEADLINE TO FILE RESPONSE TO
MOTION TO DISMISS AND SECOND
SUPPLEMENTAL BRIEFING
(THIRD REQUEST)**

Chapter 7 Trustee Robert E. Atkinson on behalf of the Bankruptcy Estate of Plaintiff, Diego M. Galietti (“Ch. 7 Trustee”), and Defendants Citibank, N.A., as Trustee of the American Home Mortgage Investment Trust 2004-3, Mortgage Backed Notes, Series 2004-3 (“Citibank”); and Western Progressive-Nevada, Inc. (“Western Progressive”) (“Defendants”) (collectively “Parties”), by and through their counsel of record, hereby stipulate and agree as follows:

On May 10, 2022, Plaintiff, Diego Galietti (“Plaintiff”), filed his First Amended Complaint [ECF No. 38]. On June 17, 2022, Defendants filed a Motion to Dismiss First Amended Complaint [ECF No. 50]. On the same day, Defendants filed their Second Supplemental Briefing on the pending Motion for Preliminary Injunction [ECF No. 51]. On the same day, Plaintiff filed his Notice of Bankruptcy [ECF NO. 49], which identified the Ch. 7 Trustee as the trustee of his

1 Bankruptcy Estate.

2 By operation of 11 U.S.C. § 541(a), all of Plaintiff's claims made in the First Amended
3 Complaint are now property of the Bankruptcy Estate.

4 The Parties hereto have discussed resolving this entire lawsuit in Bankruptcy Court, via a
5 settlement. This settlement will require bankruptcy court approval. If approved, the settlement
6 will result in a dismissal of this lawsuit.

7 The current deadline for Plaintiff to file a Response to the Motion to Dismiss First
8 Amended Complaint and Second Supplemental Briefing is July 29, 2022 [ECF NO. 56]. These
9 deadlines should be extended to allow a resolution of this lawsuit to be obtained in bankruptcy
10 court.

11 WHEREAS, the Parties hereto hereby stipulate and agree to extend the deadline for
12 Plaintiff or the Ch. 7 Trustee to file a response to the Motion to Dismiss Complaint and Second
13 Supplemental Briefing by 75 days, to October 12, 2022.

14 ///

15

16 ///

17

18 ///

19

20 ///

21

22 ///

23

24 ///

25

26 ///

27

28 ///

This is the third motion for an extension of time for the Plaintiff to file a response to the Motion to Dismiss Complaint and Second Supplemental Briefing. The extension is requested in good faith and is not for purposes of delay or prejudice to any other party.

DATED this ____ day of July, 2022.

WRIGHT, FINLAY & ZAK, LLP

CHAPTER 7 TRUSTEE OF THE
BANKRUPTCY ESTATE OF DIEGO M.
GALIETTI, NEVADA BANKRUPTCY
CASE 22-12001-NMC

/s/ Ramir M. Hernandez

Ramir M. Hernandez, Esq.
Nevada Bar No. 13146
7785 W. Sahara Ave., Suite 200
Las Vegas, NV 89117
*Attorneys for Defendant, Western
Progressive-Nevada, Inc. and Citibank, N.A.,
as Trustee of the American Home Mortgage
Investment Trust 2004-3, Mortgage Backed
Notes, Series 2004-3*

/s/ Robert E. Atkinson

Robert E. Atkinson
376 E. Warm Springs Rd. Ste 130
Las Vegas, NV 89119
Chapter 7 Trustee

IT IS SO ORDERED:

Dated: July 27, 2022


ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE